

Message Text

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TAGS: UNGA, PINS

SUBJ: UNGA -- LEGAL COMMITTEE -- PROTECTION OF DIPLOMATS

1. DEBATE IN LEGAL COMMITTEE ON ARTICLE 2 DRAFT CONVENTION ON PROTECTION OF DIPLOMATS BEGAN OCT 9. AMENDMENTS (TRANSMITTED SEPTTEL) BY BELGIUM, SPAIN, JAPAN, AND USSR (A/C.6/L.904, 913, 912, AND 906, RESPECTIVELY) INTRODUCED BY THOSE DELEGATIONS.

2. CUBA MADE SWEEPING ATTACK ON CONVENTION, AND SPECIFICALLY ON ARTICLE 2, WHICH CUBAN REP CONSIDERED TOO VAGUE. HE ALSO CRITICIZED CONFUSION OF SUBSTANTIVE CRIMES WITH ACCESSORYSHIP ASPECTS. HE CRITICIZED VAGUENESS "INTENTION" FACTOR. HE ALSO NOTED THAT UNDER ARTICLE 29 OF VIENNA CONVENTION ON DIPLOMATIC RELATIONS OBLIGATIONS TO PROTECT DIPLOMATS PLACED ON STATES AND HE NOTED, CITING RECENT INCIDENT IN SANTIAGO, PROBLEM OF WHAT HAPPENS WHEN THIS PRIMARY OBLIGATION NOT FULFILLED, AND WHEN IN FACT IT VIOLATED BY AGENTS OF A STATE.

3. MEXICO (SANCHEZ GAVITO) SPOKE ALONG LINES INDICATED IN CONVERSATION REPORTED USUN 3716. HE INSISTED ON MEXICO'S SERIOUS DESIRE TO ADOPT STRONG CONVENTION AND NOTED

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WILLINGNESS OF GOM TO AMEND INTERNAL LAWS IN SIGNIFICANT

RESPECTS IF REQUIRED. HOWEVER, HE SAID IT ESSENTIAL THAT THERE BE NO DEROGATION OF PROVISIONS IN EXISTING CONVENTION CONCERNING DIPLOMATIC ASYLUM, AND INDICATED HE AND SEVERAL OTHER DELS INTENDED TO INTRODUCE AMENDMENT (SEE USUN 3716).

4. FRANCE (JOUANNEAU) RAISED SERIES OF QUESTIONS CONCERNING ARTICLE 2, WITH KEY FOCUS OF MAJOR PART OF INTERVENTION DIRECTED TO NECESSITY OF INCLUDING "MOTIVE" ELEMENT. THAILAND, NETHERLANDS, AND US OPPOSED INCLUSION OF "MOTIVE" AND EVEN QUESTIONED NECESSITY FOR JAPANESE AMENDMENT CONCERNING "KNOWLEDGE" (SEE USUN 3780).

5. OTHER SPEAKERS MADE SERIES OF TECHNICAL COMMENTS ON ILC DRAFT ARTICLE 2 AND AMENDMENTS PROPOSED TO IT. GENERAL TREND IN COMMITTEE TO DATE NOT YET CLEAR, BUT APPEARS TO FAVOR ADOPTION OF SOME CLARIFICATION OF CRIMES LISTED IN PARAGRAPH 1 OF ARTICLE 2 WITHOUT SUBSTANTIAL MODIFICATION OF SUBSTANCE, AS WELL AS HAGUE-TYPE LANGUAGE ON JURISDICTION. ALSO SOME SENTIMENT IN FAVOR OF CONSIDERING SOME ELEMENTS SUGGESTED IN SPANISH AMENDMENTS. THAILAND SUGGESTED THAT PARAGRAPH 1(B) BE REVISED TO INCLUDE ATTACKS ON "PROPERTY" BELONGING TO DIPLOMATS (EG AUTOMOBILE) LIKELY TO ENDANGER HIM RATHER THAN ONLY ON PREMISES OR ACCOMMODATIONS.
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